

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 98-61

July 23, 1998

TO: All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Addendum to GC 98-1, Representation Case Best  
Practices Report, Protocol to Expedite Processing  
of Election Petitions

The guidance set forth below is offered to Regions in processing representation case petitions where it is apparent that the Region may be unable to meet the time targets for processing the cases to election because of the size of the unit, the number and complexity of the issues or the press of other work. The guidance is drawn in part from the General Counsel's memorandum on Representation Case procedures (GC 96-2) and the Representation Case Best Practices Report (GC 98-1). However, this guidance emphasizes the need to contact the Division of Operations-Management as soon as the Region anticipates that there are insufficient regional resources to guarantee the expeditious processing of the case. This protocol is not mandatory. Regional Office managers have the discretion to employ some or all of these procedures as conditions and circumstances dictate.

1. Provide Operations with immediate High Impact case notice of election petition filings in cases involving complex, novel, legally or nationally significant issues or which involve a large number of issues. (This is concurrent with the requirement that all petition filings for units of 200 or more be listed in the High Impact Case list.) Provide necessary updates on the status of the cases.
2. Assign an experienced agent to the case; involve the Regional Director or other higher level Regional Office manager to prompt greater party cooperation.
3. Make prompt contact with parties to identify issues and explore election agreements.
4. Promptly negotiate and, failing agreement, set hearing dates, issue notice of hearing requiring consecutive hearing dates and full hearing

days (unless otherwise indicated), to assure prompt completion of the hearing.

5. Assign hearing officer and decision drafting coordinator.
6. Contact Operations-Management prior to the hearing, to arrange for decision drafting assistance from other Regions, if necessary.
7. Hearing Officer should promptly schedule pre-hearing conference dates with parties to:
  - Narrow issues
  - Negotiate election agreement or stipulations of fact for the hearing
  - In large or multi-issue cases, arrange for the parties to litigate discrete issues seriatim to permit decision writers to begin transcript review and decision drafting prior to completion of the entire hearing
  - Arrange for post-hearing briefing schedule
  - Discuss tentative election dates
8. Contact R-Case Unit
  - Provide notice to the R-Case Unit of potential request for review to facilitate prompt treatment
  - Explore issues and secure guidance for hearing officer to ensure a complete record
9. Assign election coordinator to arrange election details, coordinate with Operations-Management for interregional election assistance if necessary.
10. Decision drafting coordinator and Operations-Management to coordinate delivery of transcript segments dealing with discrete issues to decision drafters for preparation of draft decision sections. Arrange for consultation between drafters and coordinators and a proposed drafting schedule.

If you have any questions about these procedures or your experience suggests other efficiencies, please notify your AGC or Deputy or me.

R. A. S.

cc: NLRBU

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